

REMARKS

The Office Action dated October 9, 2003, has been received and carefully noted. The above amendments and the following remarks are submitted as a full and complete response thereto. Claims 1, and 3-7 have been amended. No new matter has been added. Claims 1-7 are pending and respectfully submitted for consideration.

Claims 3, 5 and 7 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Applicants have amended the claims responsive to the rejection. The amendments to the claims do not narrow the scope of the claims.

Claims 1-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bingle et al. (U.S. Patent No. 6,086,131, "Bingle") in view of Becker et al. (U.S. Patent No. 5,807,954, "Becker"). Bingle was cited for disclosing many of the claimed elements of the invention with the exception of a translucent polycarbonate having a transparent coating thereon and a transparent coating having a metallic gloss. Becker was cited for curing this deficiency. The Applicants traverse the rejection and respectfully submit that claims 1-5 recite subject matter that is neither disclosed nor suggested by the cited prior art.

Bingle discloses a safety handle for a trunk of a vehicle. The handle 12 is preferably injection-molded from a resinous polymeric material such as polycarbonate/PBT or polycarbonate/ABS.

Becker discloses metal-nitrogen polymer compositions comprising organic electrophiles. In column 36, lines 16-36, Becker discloses that properties of hybrid polymers or ceramers can be tailored to include transparent properties and can be used in automotive applications. Column 64, lines 21-42 of Becker discloses brush coating a

mixture comprising polyureasilazane and diepoxyde and further comprising ceramic filler onto a Type 304 stainless steel plate.

With respect to claims 1-5, the Applicants submit that the combination of Bingle and Becker fails to disclose or suggest the claimed features of the invention. As acknowledged in the Office Action, Bingle fails to disclose a plating coat formed on the surface of the main body and having a metallic gloss and that the plating coat formed on the surface of the main body is translucent. Becker was cited for curing this deficiency. However, Becker does not disclose a plating coat formed on the surface of the main body molded from a translucent synthetic resin. Although the Office Action took the position that Becker teaches a transparent coating having a metallic gloss for use on translucent plastics, Becker does not disclose or suggest this feature. As discussed above, column 36, lines 16-36 of Becker discloses hybrid polymers or ceramers. However, the hybrid polymers or ceramers are not disclosed as having a coating thereon. Further, column 64, lines 21-42 of Becker does not disclose a plating coat formed on a translucent synthetic material. Column 64, lines 21-42 of Becker merely discloses that a brush coating is applied to stainless steel. Stainless steel is not comparable to a translucent synthetic resin. Accordingly, Becker fails to cure the deficiencies in Bingle with respect to claim 1.

With respect to claim 4, the Applicants respectfully submit that the combination of Bingle and Becker fails to disclose or suggest the claimed features of the invention. Claim 4 recites a lever main body molded from a translucent synthetic resin, and a translucent plating coat formed on the surface of the lever main body. As acknowledged in the Office Action, Bingle fails to disclose a translucent polycarbonate

having a transparent coating thereon. Becker also fails to disclose translucent synthetic resin having a translucent plating coat formed thereon, as recited in claim 4. Although the Office Action cited column 36 lines 16-36 of Becker for teaching this feature, Becker merely disclose hybrid polymers or ceramers that can be tailored to include transparency. There is no disclosure in Becker that the hybrid polymers or ceramers have a translucent plating coat thereon. As such, Becker fails to cure the deficiencies in Bingle with respect to claim 4.

Claim 4, as amended, further recites that in a lighted environment, the translucent plating coat on the surface of the lever main body gives off a metallic gloss. As acknowledged in the Office Action, Bingle fails to disclose a transparent coating having a metallic gloss. Becker also fails to disclose that the translucent plating coat on the surface of the lever main body gives off a metallic gloss as recited in claim 4. The Applicants note the Office Action position that Becker in column 36 lines 16-36 and column 64 lines 21-42, discloses a transparent coating having a metallic gloss for use on transparent plastics. However, the Applicants submit that Becker merely discloses hybrid polymers or ceramers that can be tailored to include transparency. There is no disclosure in Becker that the hybrid polymers or ceramers are coated with a translucent plating coat that gives off a metallic gloss. Also, Becker merely discloses forming a metallic coating composition on a stainless steel plate. Becker does not disclose a translucent plating coat on a synthetic resin that gives off a metallic gloss as recited in claim 4. Accordingly, the combination of Bingle and Becker fails to disclose or suggest each and every feature of the invention as recited in claim 4.

Claims 6 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Aikens (U.S. Patent No. 4,142,227) in view of Bingle. Aikens was cited for disclosing many of the claimed elements of the invention with the exception of an operating knob made from a translucent resin. Bingle was cited for curing this deficiency. The Applicants traverse the rejection and respectfully submit that claims 6 and 7 recite subject matter that is neither disclosed nor suggested by the cited prior art.

Aikens discloses a combination passenger reading light and air ventilator. A socket assembly 50 includes an electrically conductive mounting member 52, which includes a first cylindrical portion 54 adapted to engage the base of an electric light bulb. The bezel element 100 is removably secured to, and mostly within, ball housing 12. The bezel element 100 includes a first portion 102 insertable through a front opening 28 into the inner chamber 30 of ball housing 12. The bezel element first portion 102 is formed of a resilient material such as a synthetic polymeric material.

With respect to claim 6, the Applicants respectfully submit that the combination of Aikens and Bingle fails to disclose or suggest the claimed features of the invention. Claim 6 recites a knob main body molded from a translucent synthetic resin, and a translucent plating coat formed on the surface of the knob main body that faces a vehicle compartment. As acknowledged in the Office Action, Aikens fails to disclose an operating knob made from a translucent synthetic resin. In addition, Aikens fails to disclose a translucent plating coat formed on the surface of the knob main body. As acknowledged in the Office Action, paragraph 4, Bingle does not disclose a translucent plating coat formed on the surface of the main body. Accordingly, the combination of

Aikens and Bingle fails to disclose or suggest each and every feature of the invention as recited in claim 6.

With regard to each of the rejections under §103 in the Office Action, it is respectfully submitted that the Office Action has not set forth a *prima facie* case of obviousness. The PTO has the burden under §103 to establish a *prima facie* case of obviousness. In re Fine, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art references when combined must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

As discussed above, the combination of Bingle and Becker fails to teach or suggest a plating coat formed on the surface of the main body and having a metallic gloss, as recited in claim 1. The combination Aikens and Bingle fails to teach or suggest a lock release lever comprising a lever main body molded from translucent resin that comprises a built-in lamp, as recited in claim 4. As such, the combination of applied references do not teach or suggest all the claim limitations, and therefore fail to support a *prima facie* case of obviousness for purposes of a rejection of claims 1-7 under 35 U.S.C. § 103.

With regard to each of the rejections under §103 in the Office Action, it is also respectfully submitted that the Examiner has not yet set forth a *prima facie* case of obviousness. As stated above, the PTO has the burden under §103 to establish a *prima facie* case of obviousness. Both the case law of the Federal Circuit and the PTO itself have made clear that where a modification must be made to the prior art to reject or invalidate a claim under §103, there must be a showing of proper motivation to do so. The mere fact that a prior art reference could arguably be modified to meet the claim is insufficient to establish obviousness. The PTO can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references. Id. In order to establish obviousness, there must be a suggestion or motivation in the reference to do so. See also In re Gordon, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984) (prior art could not be turned upside down without motivation to do so); In re Rouffet, 149 F.3d 1350 (Fed. Cir. 1998); In re Dembicza, 175 F.3d 994 (Fed. Cir. 1999); In re Lee, 277 F.3d 1338 (Fed. Cir. 2002). The Office Action restates the advantages of the present invention to justify the combination of references. There is, however, nothing in the applied references to evidence the desirability of these advantages in the disclosed structure. Accordingly, the combinations of Bingle and Becker and Aikens and Bingle fail to disclose or suggest each and every feature of the invention as recited in claims 1, 4 and 6.

Claims 1-7 are pending. Claims 2 and 3 depend from claim 1. Claim 5 depends from claim 4 and claim 7 depends from claim 6. The Applicants respectfully submit that claims 2, 3, 5 and 7 are allowable for their dependency from allowable base claims 1, 4

and 6, as well as for the additional subject matter recited therein. Accordingly, the Applicants respectfully request allowance of claims 1-7 and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing attorney docket number 107348-00209.**

Respectfully submitted,



Rhonda L. Barton
Registration No. 47,271

Customer No. 004372
ARENT FOX KINTNER PLOTKIN & KAHN, PLLC
1050 Connecticut Avenue, N.W.,
Suite 400
Washington, D.C. 20036-5339
Tel: (202) 857-6000
Fax: (202) 638-4810

CMM/RLB/elz

TECH/212704.1